

Eric J. Heimann  
Wyoming State Bar No. 6-4504  
Assistant United States Attorney  
District of Wyoming  
P.O. Box 668  
Cheyenne, WY 82001  
(307) 772-2124  
eric.heimann@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

**UNITED STATES OF AMERICA,**

Plaintiff,

**v.**

**GIBSON CONDIE,**

Defendant.

**Case No. 17-CR-124-J**

---

**GOVERNMENT'S MOTION TO AMEND JUDGMENT NUNC PRO TUNC**

---

The United States, by and through Assistant United States Attorney Eric Heimann, respectfully asks this Court to amend the written judgment against the Defendant *nunc pro tunc* to specifically name the restitution payees and the amount owed to each payee. The requested amendment will memorialize the restitution ordered at sentencing and allow the U.S. Attorney's Office to request permission to use assets forfeited from the Defendant to pay restitution.

On January 8, 2018, the court sentenced Defendant Gibson Condie, and (among other punishments) ordered that he pay \$2,283,702.49 in restitution. *Judgment*, Doc. 57 at 8. Specifically, the Defendant was to pay \$1,141,851.24 to the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services and \$1,141,851.24 to the Wyoming Department of Health, Division of Healthcare Financing. *See PSR*, Doc. 47 at ¶ 71. The written

judgment, however, does not identify the individual victims or the amount owed to each, nor has a separate restitution order been entered in the public court file. *See Judgment*, Doc. 57 at 8 (reciting total restitution and identifying the clerk of court as payee).

The government is confident that the victims are properly identified in the court's internal files such that the victims will receive their share of any future restitution payments. We ask that the written judgment in the public file be amended *nunc pro tunc* to identify the individual victims and the amount owed to each because the U.S. Attorney's Office has asked the Attorney General (through his designee) to use assets forfeited from the Defendant to pay restitution. That request cannot be processed without a court order identifying the specific victims and the amount of restitution owed to each victim.

WHEREFORE, for the reasons stated above, the United States respectfully requests that the judgment in this case be amended *nunc pro tunc* to identify the individual victims and the amount of restitution owed to each victim.

Respectfully submitted this 30th day of March, 2018.

MARK A. KLAASSEN  
United States Attorney

By: /s/Eric J. Heimann  
ERIC J. HEIMANN  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

This is to certify that on this 30th day of March, 2018, I served a true and correct copy of the foregoing motion upon defense counsel via CM/ECF.

/s/ Barbara J. Warburton  
UNITED STATES ATTORNEY'S OFFICE